COMMISSIONERS OF EMIGRATION.

A Melancholy Exhibit for the Year 1875.

POVERTY PARAMOUNT.

Difficulties of Providing for the Different Bureaus.

An Appeal to the Legislature for

THE PER CAPITA TAX.

The following is the annual report of the Com dissioners of Emigration for the year ending Deember 81, 1874:-

The work of the Board is proportioned among the fol-owing standing committees appointed annually by the dent:—

Garden Committee—George Starr (Chairman). EdStephenson. George W. Quintard, Daniel Maujer,
rick Schack and the President.

George Starr, James Lypch, George J. Forcest and
resident.

he Fresident

Finance Committee — Daniel Maujer (Chairman), Edmund
Finance Committee — Daniel Maujer (Chairman), Edmund
Haphenson, George J. Forrest, Frederick Schack, George
W. Quintard and the Fresident.
The total number of alien passengers who landed at
he port of New York during the year 1874 was 10.041, at
meer number than came in any year since 1852, and
2.777 less than in the year 1873.
Wimber of emigrants in the State Emigrant
Reinge and Hospitat, Ward's Island, on the 1st
JANUARY, 1874.
Tanuary, 1874.

Limber admitted during the year

286

1,504 timber of emigrants provided with food and lodg ng at Castle Carden 27,960 of emigrants supplied temporarily with and lodging and money relief in the city 2,262 noer of females.

there of females.

there of both sexes provided with employment agent at Aibauy.

17,590 umber of emigrants for whom remitiances were received who were forwarded to their destina-

Total.

Symber of emigrants chargeable to the Commission cared for in the several counties and charitable institutions throughout the State.

Symber of emigrants returned to Europe at their own request and at the expense of the Commission. 2,753

at the expense of the consignees of the vessels

Total number of alien emigrants landed at the port of New York during the past live years who were relieved, forwarded and provided with employment, &c., during the year 184, 66, 89.

The entire number of passengers from foreign norts who landed at the port of New York in 1871 was 188, 90. of whom 140,41 were aliens and 20,70 were citizens or persons who had before landed at this port. The number of those who landed at Castle Garden was 149,764. of these, 120,420 were aliens, 3.18) were born in the sited States and 16,162 had previously landed at New

Of these, 120,420 were aliens, 3,180 were born in the Inited States and 16,162 had previously landed at New York or other ports in the United States.

Of the total passengers that landed 183,175 came by 9.5 teamships and 1,425 came by 246 sailing vessels.

Of the whole number of sliens who arrived 48,202 were your the German Empire. 3,447 from Ireland, 19,977 com England, 4,729 from Sectiond, 3,743 from Ireland, 19,077 com England, 4,729 from Sectiond, 3,743 from Ireland, 19,077 com England, 4,729 from Sorway, 5,41 from the Austrian Empire, 3,345 from Norway, 5,41 from the Austrian Empire, 3,345 from Norway, 5,41 from the Austrian Empire, 3,345 from Norway, 5,41 from the Austrian England, 19,750 from Spatial, 174 from Years, 19,750 from Holes, 2,557 from Spatial, 174 from Years, 19,750 from Holes, 247 from Greece, 74 from the 184 of 184 and 19,750 from Holes, 19,750 from Nova Sectia, 15 from New Brunswick, 4 from New Providence, 00 from Portugal and 25 from Turkey.

Of the alien emigrants 92,577 were male adults, 46,270 were femile adults and 32,191 were children under twelve years of aga of both sexes. From the registered entries which have been made of the intended of Cardon the following is a summary ;—frifty-two thou-

The three great times of communication with the West and South—the Eris Radiway, the New York Central and the Pennsylvania Central radioads—have agencies The transportation facilities furnished are such that the emigrants are enabled on landing, and without leavthe emigrants are enabled on anding, and without leaving the protection of the Commission, to purchase tickets to their destinations and have their baggage checked and transferred to the steamboat or railway depot.

In order to facilitate the transaction on the business of the emigrant and the transaction of the business of the emigrant and the transaction of the transaction of the state of the emigrant and the continuous formation of the transaction of the transaction of the commissioners, and they are required to exchange the coan bank notes and halls of exchange of the emigrant at the current rates in Wall street at the time of making the exchange.

In the Labor Bureau employment was procured for 16,910 emigrants, of whom 10,146 were mains and 6,764 remailes.

In the Labor Bureau employment was procured for 16,910 emigrants, of whom 10,146 were maize and 6,762 to 16,910 emigrants, of whom 10,146 were maizes and 6,762 to 16,910 emigrants and unskilled laborers.

Of the females 6,489 were general house servants and 27 aktilled workwomen.

The average monthly wages, with board, was \$12.54 for males and 57.71 for remales.

The Labor Bureau is free of charge to emigrants and employers. For the toriner it procures employment at reasonable compensation, while for the later it undertakes to supply all kinds of skilled mechanical and agricultural labor to any part of the United States, the cost of transportation to be defrayed by the employers.

Through the agency of this bureau over thirteen percent of the passingers were delivered to their friends. Of this number there were 1,168 husbands who received the the two thirteen perceived their parents; if 339 percents and the passingers were delivered to their friends. Of this number there were 1,168 husbands who received the their parents; if 339 percents are shielder received their parents; if 339 percents are shielder received their parents; if 339 percents are shielder received their parents; if 339 percents are shielder for a shield parents and information regarding arriving friends was 20,157.

In this bureau boarding house keepers having license to enter the landing depot to solicit for their respective houses make reports of the names of the emigrants lodged in their houses. The number of emigrants lodged in house kept by German. Scandinavian. French and lianian proprietors during the year was 22,279; and by Irish, Bughish and Scotch, II,299.

These boarding house keepers are subject to careful supervision and their houses from time to time impected, and every precaution taken to guard the emigrant sainst abuse and impositions.

This bureau boarding house keepers are subject to careful supervision and their houses from time to time impected, and every precaution taken to guard the emigrant sainst abuse and impositions.

T

for them, remittances are received or they recover their beaith.

Attached to this Bureau are a resident physician and a surgeon whose duties are to assist the landing officers in inspecting all emigrants when they first land, and to examine all emigrants when they first land, and to examine all selections are residents of the city.

The remarks of a security solvental at Castle Garden. This hospital, with a physician and nurses always in attendance, receives any omigrant who may be if on arrival or immediately afterward, or who may be brought to it selected during the year was 1,5%. There were 21 births and 25 cenths in the hospital.

The number of persons freated during the year was 1,5%. There were 21 births and 25 cenths in the hospital. Staypenson Bridge, Boffalo, Dunkirk and Rochester. Their duties are to meet the arriving emigrant trains and to dinguire into the iteratural received by the emigrants room the railroad and its employees and to give to all emigrants applying to them advice and assistance when needed.

STATE ENIGRANT REFUGE AND HOSPITAL WARD'S

THE STATE ENGRANT REPORT AND ROSPITAL, WARD'S INLAND.

The Commission hold a tract of land of about 120 acres on Ward's Island, whereon have been erected hospitals and other buildings, capable of accommodating 2500 persons.

The buildings consist of the Verplanck Hospital, reserved exclusively for non-contagious diseases and surgical cases. The fevor hospitals, isolated from the other ward asylind for the insane, refuse, burracks, nursery, dispensary, surgical wards, school, gas house, residences of officers, churches, workshops, &c.

The buildings on the island have been creeted at various periods since the establishment of the Commission, and are now complete, but many of the older structures need expusive topairs. There have been cared for in the institutions of the Commission on Ward's Island during the year G/16 emigrants, as follows.

Number of lumates in the institution January 1, 1574.

1874. Institution Sanuary 1, 1,717 sumber admitted during the year 4,742 tumber of births. 256 Tutal number cared for and treated...... 6,746 Number discharget during the year.

Number of deaths
Number of chairants remaining at institution,
December 31, 1874. 1,039

T1,957

Castle Garden.

The interment of emigrants dying in the Ward's Island k migrant lustitution with the city pauper dead at Hart's Island has for some time past given much dissatisfaction, and, the cost having increased, the Board determined to set apart a piot of ground on Ward's Island for this purpose.

In July iast a piot was selected, about two acres in exent, removed from the buildings, on the Island, and a permit to inter inerein was obtained from the Board of Health.

Health.

In this cometery are interred all emigrants dying in
the State emigrant institutions, on the island or at the
emigrant landing depot, Castle Gardon, except such a
are claimed by their friends and removed claewhere for

are claimed by their triends and removed elsewhere for burial.

The Commissioners renew their recommendation to the Legislature that the title to such of the water front of the Ward's Island property as is not now held by them be obtained. The title to this narrow belt of land is held by several persons, some or whom are minor heirs and others of whom are exattered, and it is of great importance to the State that the title should be secured by the Commissioners. They, therefore, ask such legislation as w.il enable them to acquire it.

FINANCIAL REPORT.

On the lat of January, 1874, the indebtodness of the Commission was \$6.000. During the first months of last winter a large number of sick and destrute emigrants were receiving aid from the Commission, and to provide for their care and support the Commissioners were obliged to apply to the Governor. Comprouler and Attorney General for permission, as required by law, to horrow money on mortgage of the property at Ward's sland.

Island.

Permission to borrow \$100,000 was given, and this sum was obtained from the rquirable Life Assurance Society and was applied to the uses named. As a consequence of the decreased emigration, the income of the Commission proportionately diminished and for the past year the Board has had a constant struggle with indequare means and financial difficulties, and, as a result the officiency of the department has in part been limited.

ceived from unclaimed emigrant remittances. deposit
Received from employ a for uniform account
Received from the Fquitable Life Assurance Society loan on bond and mortgage

Paid over-draft January 1, 1874.
Paid on contract and bills for new Asylum for the Insane, at Ward's Island.
Paid for supplies, salaries and expenses, at 178,318
Vard's Island.
Paid expenses, salaries and repairs at Castle Garden Paid for forwarding emigrants inland and to for tood and temporary relief for emigrants at Castle Garden.
Paid for support of illegitimate children and abandonment cases.
Paid take agents' salaries and expenses.
Paid for interest on loans.
Paid for insurance at Ward's Island and Ca tle Garden. 5.715 Paid inmates of Ward's Is and, funds deposited. Cash balance, December 31, 1874.

\$334,011

Buffalo General Hospital
Troy Hospital, Troy
St. Mary's Hospital, Troy
St. Mary's Hospital, Roy
St. Mary's Orphan Boys' Asylom, Rochester,
St. Patrice's Orphan Boys' Asylom, Rochester,
St. Patrice's Orphan Asylom, Rochester,
St. Construction of the St. Construction
St. Peter's Hospital, Brooklyn
St. Peter's Hospital, Brooklyn
St. Vincent's Orphan Asylom, Syracuse.
Troy Orphan Asylom, Troy
St. Frances Hospital, New York city
St. Joseph's Hospital, Syracuse.
Providence Lonatic Asylom, Buffalo.
Home of the Friendless, Rochester
Albany Hospital.

These claims are sti.l unpaid and the Board have no nopes of being able to pay them out of the Commutation fund.

The indebteiness of the Commission on the 31st day of becember, 1574, was as follows:—

Due Equitable Life Assurance Society, amount of loan.

Stopped Society of the Commission of the 31st day of becamber; 1574, was as follows:—

Due Counties and Institutions for support of emityrants to December; 1874 as per statement.

71,500

Due same to December 31, estimated, bids not received.

Due for supplies at Ward's Island.
Due for supplies at Ward's Island.
Due for supplies at Ward's Island.
Due for supplies at Castle Garden.
Due for repairs at Castle Garden.
Due for rent of Castle Garden to December 31.
Due on Emigrant fund account.

property.
The Legislature, in the years 1866, 1867 and 1868, acknowledged the fact that the \$20,000 raised on mortgaxe was nearly all required and used for caring for citizens of the United States in the Marine Hospital, and consequently the state assumed the payment of \$150,000, being the three fourths of the amount so raised on mortgage, to be paid out of the proceeds of the sale of the Quarantine grounds.

the three fourths of the amount so raised on mortgage, to be paid out of the proceeds of the sale of the Quaranthe grounds.

The last act authorizing the sale and the disposition of the proceeds was passed in 1865, but the terms under which the sale was directed to be made did not require payment by the purchaser for three years thereafter, and the Commissioners of Emigration were required and directed to furnish and provide out of the funds in their hands, toward the payment of and mortgage of \$20,000, the sum of \$50,000, that sum being teemed the lart proportion thereof watch should be paid before. The same the proportion thereof watch should be paid to the sale of th

uarantine.
This mortgage was foreclosed, and, to protect the inprests of the states the Commission was compelled to
the property of a cost of \$5,500. It is also claumed
that this amount and the interest said on the mortgage

\$175,393 algrants

er month.

The necessity of timely pecontary aid is therefore repectually urged upon the Legislature. Unless the aid
taken of ris received the Commissioners will be unable
to provide for the destitute emigrants committed to their
are, whom the State has removed beyond the sphere
of individual or other public charity, and toward whom Individual or other public charity, and toward whom assumes the place of guardian and protector. The Commission is in its nature a great State charity, to should be sustained, and all reasonable expendi-res to that end are justined by every consideration of

Illumanity.

In conclusion, the Commissioners beg leave to remind he members of the Legislature of the great benefits that lave accrued to the state and city of New York in the are and protection given by the Commission to the emirants landing at this port and who have added to the state so much of its wealth and prosperity.

The Board have to make mention, with regret, of the loath, on the 3h to November last, of the Hon. William E. Havemeyer, a member of the Board as afficio and its the states.

F. Haveneyer, a member of the Board exopicto and its first President.

In the confidence of having administered the trust confided to them conscientiously and to the best of their ability, and reterring to your honorable body the ques-tion of providing funds for carrying on the work of the Commission, your subscribers respectfully submit the foregoing report.

Commission, your subscribers respectfully submit the foregoing report.

HENRY A. HURLBUT, GEORGE STARR, DANIEL MAUJER, GEORGE STARR, GEORGE J. FORREST, EDMUND STEPHENSON. JAMES LYNOH.

FREDERIC SCHACK, FREDERIC SCHACK, EXCept that which refers to the appropriation of \$300.00 from the state tund for the benefit of the commission, believing, as I do, that if the law is fully carried out in all cases where bonds are filed by the stoamhip lines for immigrant passengers who come upon our shores and who are unable to carna living, and with the increase of the commutation fee from \$1.50 to \$2.1 faranted by the Logislature, the means will be ample to supply fully the wants of the Commission.

THE COMMISSIONERS OF CHARITIES.

PREPARATIONS FOR ACTIVE WORK- PROBABILITY OF OFFICIAL HEADS DEOPPING INTO THE BASKET-BIDS FOR SUPPLIES TO BE OPENED Notwithstanding that President Bailey and Comdissioner Brennan have been in office but a few weeks they have been actively engaged in studying the routine of work and considering such reforms as may be suggested to their minds. As vet they have made no material changes, either yet they have made no material changes, either in the management of the institutions under their control or in the personnel of the employes, eithough rumors are rife of some sweeping changes soon to be made. The Board of Apportionment has reduced the annual appropriation by \$46,000, and the Commissioners are perplexed to decide in what way to meet the reduction except by discharging some of the employes and the pruning of the salaries of others. The clamor for positions by the iriends of politicians is very great, yet the Board are unable to provide for the needy ones, and hence have incurred the displeasure of some of the "heavy men" who stand behind the applicants and think that they are strong enough to gush their friends into fat positions. The chances for them are very slim, indeed, as it is understood that the Board are indisposed to discharge experienced servants who are backed by indisence to make places for inexperienced ones with no stronger political influence behind them. The Hoard have advertised for proposals for a year's supplies of groceries, dry goods, clothing, hardware, fuel, &c., and hope by letting contracts out to public competition to economize so as to overcome the \$46,000 reduction. Bids for supplying the decartments will be opened at the office, corner of Third avenue and Eleventh street, at ten o'clock A, M. next Wednesday. in the management of the institutions under their

THE SCHOOLSHIP MERCURY.

This vessel, which the reader is doubtless aware is a training ship for the boys under the care of the Commissioners of Charities and Correction, will leave this port this morning for a cruise in the West Indies. She will not likely return to this West indies. She will not likely return to this port until the ist of May. The officers are:—Coptain, F. F. Gregory; Executive Officer, W. F. Fratt; Second Officer, George W. Pratt; Third officer, Charles E. Davis; Instructor, John C. Jonnson. She had in addition as a rew eight seamen, a steward and carpenter. About 250 boys constitute the school, and in no instance, it is claimed is a boy taken to sea against his wishes. The Commissioners experience some annoyance owing to the failure of the Board of Apportionment to set apari any junis for the maintenance ment to set apar; any fun's for the maintenance of the schoolship; but it has been found so benefi-cial to the boys that the Board have resolved to continue the ocean cruises and economise in other departments. About \$12,000 only are consumed in salaries of officers and wages of seamen.

MUNICIPAL NOTES.

Yesterday was such a dull day in the City Hall that the politicians had to fall back upon the pastime of manufacturing rumors to idle the hours away. One of these rumors was to the effect that Mr. Van Nort had sent his resignation to the Mayor and another was that the Mayor had removed the Fire Commissioners. There was no

foundation for either.

The answer to the charges made against him by the waterman, tager, have been placed in the mands of the Mayor by Commissioner Van Nort. The answer shows that Gager took his case into the courts and was deleated on the meri's.

There was large number of callers upon the Mayor yesterday, among them several office-seekers. Of course the latter all went away satisfied that between now and the centennial antiversary something might turn up to benefit them.

A room is to be fitted up in the Hall for the use of the reporters. The question as to whether the room will be in the cupola, immediately under the status of the Godess of Justice, or next door to the Mayor's quarters, has taus lar aritated the minds of the powers that be. It will be ready some time in the summer.

Two or three of the city marshals are to be invited to step down and out of official life. There is great consternation in marshaldom in consequence, as each one of the mass an idea somehow that he is one of the unfortunates.

Alderman Reilly's ordinance giving the Mayor the appointment of the maishal for the collection of arrears for taxes creates considerable talk among the politicians. The present moumbent does not reins the outlook, although his riends say they can knock the ordinance or the amendation. the waterman, Gager, have been placed in the

hat.
The school teachers are jubilant over the amendment to the non-resident ordinance adopted by the Aldermen on Thursday, and several of them came to the hall yesterday to find out if the news was really true.

THE FERRYBOAT COLLISION.

The investigation by the United States inspectors into the cause of the recent collision between the Alaska, of the Roosevelt street ferry line, and the was closed at the office of the inspectors in Pine street yesterday. The only winess examined was John Weeness, deck hand of the Alaska, who testified that he was the lookout on the hurricane deck in the iog. Alter he took his position, and the Alaska was beaded up the Rooseveit street slip the pilot rang one beil and whisted at intervals of every half minute. The Alaska kept close to the New York shore. When opposite pier 45 or 46 witness signted an object through the fog, and called to the pilot that there was something right ahead. The pilot rang three bells to stop and back, threw helm hard to starboard and blew two whistles. When he first saw the Colden she was from three to four lengths ahead, and witness could, on leaving the slip, see only about 4.0 or 500 feet into the fog, which was very dense. The decision in the case will not be rendered for some days, as Mr. Low, the supervisory inspector, is absent in Washington. was closed at the office of the inspectors in Pine

ALLEGED HOMICIDE.

Information was received at the Coroners' office yesterday morning, that John McMabon, a man fity-six years of age and a native of Ireland, had fied late the night previous under suspicious circumstances. It appears that at half-past eleven P. M. deceased was put out of the liquor store of Timothy Burns, No. 400 West street, and it is suspected that Burns either knocked him down or else he lell on the sidewalk and was fataily injured, as death ensued while he was being carried up the stairs leading to his residence.

The police arrested Burns and detained him to await the result of an investigation before Coro-

await the result of an investigation before Coroner Elekhoff.

Later in the day Dr. Marsh made an autopsy on the body, but found no marks of violence except a clot of blood at the base of the brain, showing that deata resulted from compression of the brain, caused by a fall or violence of some kind. Coroner Elekhoff empaneied a jury and adjourned the case until some day next.

Burns states that McMahon came into his place late at night very drunk and wanted some liquor, which was refused. McMahon was insulting and abusive, when the prisoner took him by the color and led him out of the door. McMahon was not pushed, neither did he fall at that time. Burns said he then closed his place for the night, when deceased kicked at the door and fell, after which he was taken up stairs by his wife and other giends.

THE COURTS.

Making the City Plaintiff in the Ring Suita.

A CRIMINAL PUZZLE.

Conviction for a Crime Having No Penalty.

CANCELLING A CONTRACT.

Several Burglars Convicted and Sentenced.

Karl Janson was vesterday brought before the United States Commissioner on a charge of having smuggled, or having in his possession, a quantity of smuggled jewelry. The particulars of the arrest of the accused were only gone into, and the further examination set down for Monday

The New York State Loan and Trust Company have commenced a suit in the Supreme Court against the Crook County National Bank, of Chicago, to recover \$54,450 89. As one of the preliminary steps in the prosecution application was made yesterday to Judge Brady for an attachment against the property of the latter bank in this State, which application was granted.

THE RING CIVIL SUITS. Several days since motion was made in Supreme Court, Chambers, before Judge Donohue, to make the city, instead of the Board of Supervisors, plaintiff in the suit brought against William M. Tweed to recover \$11 000,000, alleged to have been fraudulently obtained by him from the city treas ury in connection with the building of the new Court House. Judge Donobue gave his decision in the case yesterday, granting the motion, but stipulating as a condition that the city pay the costs incurred by Mr. Tweed up to the present time.

A similar motion to the above was also made at about the same time in the civil suit brought to recover \$5.451,144 26 from James H. Ingersoll, which he is alleged, as one of the parties in the Court House Ring, to have wrongfully abstracted from the city exchequer. This motion was also grante yesterday by Judge Donohue, but another motion to s nd the case before a referee for examination was denied.

LETTING WELL ENOUGH ALONE. Owen Reilly was recently convicted in the General Sessions for an attempt to commit arson in the first degree, in setting fire, during the night time, to the residence of Henry Shelting. He was sentenced to one year's imprisonment and to pay a fine of \$250. An appeal was taken from this judgment to the Supreme Court, General Term, where the case came up for argument yesterday morning, Judges Davis, Daniels and Brady on the bench. The result was as novel as it was nnexpected. The question that came up for argument was simply whether in the present condition of our statutes there is any such offence as an attempt to commit arson in the first aegree punisliable by our laws. Mr. Wm. F. Howe appeared for the appellant and District Attorney Phelps in

for the appellant and District Attorney Pholps in opposition.

Mr. Pholps, in opening his a gument, cited the penalties attaching to arson, the original penalty in the revised statules being death, then by an act of 1880 this being changed to imprisonment for life and then in 1862 the punishment being again changed to imprisonment for life and then in 1862 the punishment being again changed to imprisonment for not less than ten years, and this again by an act of May, 1873, being once more changed to imprisonment for life. Next he showed how the statutes regarded attempts to commit arson. That the Legislature intended that one of the most serious crimes known to the law should be committed with utter impunity, or nearly 80, was not to be presumed, unless the language they have employed plainly and unmistakably demands that interpretation. A palipable failure of justice was, of course, no ground for construing a statule against the plain intendment of its language, but it is surely an argument which courts may heed where the construction is doubtful. As far as he had been able to discover, after a careful investigation, neitner the precise question presented to the Court, nor one very similar to it, had ever been adjudicated. Taking as his guide the settled doctrines of the law in relation to reports by implication he saw no ground for reversal of the judgment.

Air. Howe said that the plaintiff in error was ignored.

pication he saw he ground for reversal of the pludgment.

Air. Howesaid that the plaintiff in error was indicted for arson in the first degree, the punishment for which is imprisonment in state Prison for lite and no less. The conviction was for "an attempt to commit arson in the first degree," for which there is now no punishment on the statute book. But Judge Sutherland, although the offence of which the prisoner was convicted was clearly a telony, sentenced him to one year's imprisonment in the Penitentiary. After alluding to the statutes in reference to arson and showing that by the act of 1873 the penalty for arson in the prisonment in the Pententiary. After alluding to the statutes in reference to arson and showing that by the act of 1873 the penalty for arson in the first degree is "imprisonment for life in State Prison," and that the conviction of an attempt to commit any crime carries with it a penalty "not exceeding one-half the longest term of imprisonment prescribed upon a conviction for the offence so attempted," he went on to say that the term of imprisonment for arson, first degree, is life. What is half a lifetime? Can courts or Legislatures foreteil the duration of human life? Can linite man determine or measure out "half a lifetime?" Who shall say, then, that the sentence of one year is not in "excess" of half a lifetime? "We know not the day or the hour of our departure," proclaims the Scripture. Hence, a sentence of five years or five days or five hours may be in excess of "half a lifetime," The Legislature, then, has left no punishment for "an attempt to commit arson in the first degree." Therefore Judge Suthersand's sentence was erroneous and the prisoner should be discharged, because no punishment can be legally indicted for the odence of which the plaintiff in error was found guilty.

Judge Davis said that it was a grave question in his mind whether, as the lew stands to-day by reason of the act of 1873, the appeliant was not lable to imprisonment in State Prison for five yoars instead of one year in the Penitentiary. Of course the Court at present would express no decided opinion upon the construction to be given to the statute. It was a point upon which the Court had desired to hear the District Attorney, and the case having been fully presented, and being a very peculiar one, showing the evils of hasty legislation, it ought to receive due attention.

Mr. Howe said that, with great deference after

tion.
Mr. Howe said that, with great deference after what had sailen from the lips of the Court, he should respectfully ask that the appeal be witn-

should respectively ask that the appeal be withdrawn.

Judge Davis (smiling)—The appeal cannot be withdrawn, but the judgment of the Court below can be affirmed.

Mr. Howe—Inasmuch as the District Attorney has been so universally kind to me, I now ask that this Court affirm the judgment of the Court below. (Laughter.)

Mr. Phelps (blandly smiling)—I would like to take this case to the Court of Appeals.

Judge Davis (pleasantly)—You cannot sue out a writ of error for judgment in your own favor.

Mr. Phelps—This is the first case in which the plaintiff in error has asked for affirmation of judgment and the District Attorney has opposed it.

The proceedings terminated by affirming the judgment.

CANCELLATION OF A CONTRACT. An important decision was rendered yesterday by Judge Van Brunt in the special term of the Supreme Court in an action to caucel a contract. It appears that a contract was entered into between Seitz, the plaintiff in this action, and the defendant, Smithson, by which Seitz agreed to deliver to Smithson a large number of engravings of "Lacy Washington's Reception," and as an of "Laoy Washington's Reception," and as an indemnity and guarantee to Smithson for the performance of Seitz's part of the contract it was stipulated that the plate from which the engravings were to be made should be held by one Gordon as trustee, the plate being already in Gordon's possession and pledged to him by Seitz as security for an existing indebtedness. Smithson being in default of his second payment under the contract nevertheless obtained from time to time from the trustee, who was also the manager for both parties under the contract, a quantity of the eigravings, for which he paid on delivery about \$1,400. He had also made the first and third payments due under the contract, amounting to \$3,000, but failing to make a payment of \$4,000 in the manner provided by the contract the supply of engravings on the part of Seitz ceased. Seitz now desiring to disconarge his indebtedness to Gordon and obtain possession of the plate he had pledged, tendered the amount due Gordon, who rejused to surrender the property until the contract was cancelled, alleging that Smithson had notified him that he would hold him responsible if he did. This suit was accordingly brought to cancel the contract and release Gordon from his trust, so that he might surrender the property pledged to him on payment of his claim. The contract contained a crause providing for arbitration in case of dispute between the parties. The defence admitted all the facts, but claimed that the \$3,000 paid by defendant to planned should be refunded or its value in engravings furnished to Smithson as a condition for the cancellation of the contract. A motion to dismiss the complaint was made on the ground and, on the ground that the Gourt had no juitsdiction. indemnity and guarantee to Smithson for the per-

as the proper remedy was by arbitration under the contract. The motion was denied, the case tried on its merits and a underest rendered for tried on its merits and a judgment rendered for plaintiff cancelling the contract. Ulman, Remington and Porter for plaintiff, and William S. Flippin for delendant.

SUPREME COURT-GENERAL TERM. WRIT OF ERROR IN A FELONIOUS ASSAULT CASE.

Before Judges Davis, Brady and Daniels. Frederick Evers, indicted for an assault with intent to kill James Curran, in April last, was tried at the last October term of the Court of General Sessions, before Recorder Hackett, convicted of an assault with a dangerous weapon, with intent to do boulty harm, and sentenced for three years to State Prison. A writ of error was obtained by Wm. F. Howe, the prisoner's counsel, and the case on this writ argued yesterday in the Supreme Court, General Term. Counsel made a lengthy and forcible argument, contending, first, that a portion of the evidence was irrelevant to the issue; that the Court erred in allowing a certain witness to give testimony; that manifestly illegal questions were put to another witness, and that certain portions of the cross-examination of the accused were improperly admitted. Abundant reasons, he contended, existed why the judgment should be reversed and a new trial ordered. Mr. Pheips answered these various points and then the Court took the papers.

SUPREME COURT-CIRCUIT-PART 2. VERDICT OF SIX CENTS DAMAGES.

Before Judge Van Vorst. The suit of Cowles vs. Watson et al., which has been on trial for the past three days in this court, reached a verdict yesterday. It grew out of the purchase of shares in an oil company, and the plaintin, thinking himself an injured party, brought suit for \$10,000 damages. The jury gave him six cents.

DECISIONS.

SUPREME COURT—CHAMBERS.

By Judge Donohue.

Martin vs. Mcintyre; in the matter of McConneil; Clark vs. Wilson; Smith vs. Denton.—Granted.

Ryckman, Jr., vs. Marks; Farmer vs. Ascherton.—Motions granted.

Shardion vs. Buck; Schermerhora vs. Schermerhorn.—Memorandum.

Listman vs. Blant.—Motion denied.

Kirsted vs. O. and A. Railroad Company et al.—

Motion denied: memorandum.

Motion denied; memorandum.

Moir vs. Moir.—Decree of divorce granted to the plaintiff.
Board of Supervisors vs. Ingersoll.—Motion

denied, without costs.
Same vs. Tweed.—Motion granted on payment of defendant's costs to date.
Browning vs. Rollwaguer.—Reference ordered. SUPERIOR COURT—SPECIAL TERM.

By Judge Freedman.
Doyle et al. vs. Lo d. Jr., et al.—Case and exeptions settled and ordered on file.
By Judge Sedgwick.
Howland vs. Smith et al.—Order settled.
By Chel Junion Money. By Chief Justice Monell. Bertrand vs. Carl.—Findings settled. COMMON PLEAS-SPECIAL TERM.

By Judge J. F. Daly.

Tinkernaur vs. Stevens.—Motion denied, with leave on the merits on payment of \$10 costs.

Masury vs. Masury.—This Court has no jurisdiction of defendant; he does not reside in this city, nor was he served with su..mons thereon. This being an action for divorce.

Thornton vs. Loedel.—Reference ordered to take proof as to alleged representations and faisity thereof.

SURROGATE'S COURT. AN ESTATE FOR WHICH TWO PAMILIES ARE CONTESTING.

[Before Surrogate Hutchings.] James Hardwick, a resident of Morrisania, died few weeks ago, leaving an estate valued at \$15,000, which, by a will executed some time before his death, he divided equally between his two sons, James A. Hardwick and Henry H. Hardwick, whom he appointed his executors, and his daughter. Mrs. Mary Anna Wright. His widow. Elizabeth, was to have a life-interest, and if any of the property was disposed of, to have a third of the proceeds. The will was witnessed by Judge Gifford, of Morrisania, and John A. Henry, and was is due time offered for probate by the executors and widow in the Surrogate's office. A notice of contest was served by a woman calling herself Susanna Snari, who claims to be the rightmi widow of James Snari, alias James Hardwick, the deceased, and her son, James C. Snari, alias Hardwick, who claims to be the only heir of the deceased. It is a case of two distinct families, formed, as is slieged, by one man under two different names, and some curious domestic developments are expected. Mrs. Wright, the daughter recognized in the will, resides in Rome, N. Y., and James A. Hardwick, one of the recognized sons and executors, resides in Colcago. Hardwick, whom he appointed his executors,

COURT OF GENERAL SESSIONS. Before Recorder Hackett.

HEAVY SENTENCE FOR BURGLARY. In the Court of General Sessions yesterday, sefore Recorder Hackett, the trial of Henry Porter, charged with acting in concert with two men who burgiariously entered the dwelling house of William S. Hicks, No. 323 West Fifty-first street, on the night of the lat of August, occupied most of the session. The house was unoccupied at the time of the burglary, Mr. Hicks and his family being in the country. One of the burglars, named Norton, was arrested by the officers almost in the act. The only direct evidence against the prisoner was the possission of a coat when he was arrested on the 30th of August, which was positively identified by the son of Mr. Hicks. It was also shown that Porter was the associate of Norton and another man charged with the perpetration of this offence. The prisoner called a woman who resides at Greenpoint, an aunt of his, who swore that on the lat of August Porter boarded at her house an i remained indoors that morning. A young man named Thompson testified that he was with Porter and his brother when he bought a coat similar to the one shown in court from a man for twenty shillings. The jury rendered a verdict of guity of burglary in the second degree. The Recorder, in passing senience, said that he was informed that Porter had served a term in the State Prison, and that his associates were among the worst class in the city of New York. He was sent to the State Prison for ten years. the night of the 1st of August, occupied most of

A FOW IN THE FIVE POINTS.

Minnie Mitcheil, who was charged with striking a negro, named Jacob Williams, on the head and shoulders with an axe, on the 14th of January, at the Five Points, was convicted of assault and bat-tery. She admitted that she struck Williams with a shovel. His Honor remarked that the verdict was an extraordinary one. The woman, who lived in one of the vilest dens in Baxter atreet, was sent to the Penitentiary for one year.

A CARPET-BAGGER. John Thomas, a colored man, who was caught in the act of attempting to steal a carpet-bag from an express wagon, in Sixth avenue, on the 24th of December, was convicted of petit larceny. He was sentenced to the Penicentiary for six months.

BURGLARS BENTENCED. Late in the afternoon John Boardman and Thomas Norton, who pleaded guilty to burglary in the third degree, were brought to the bar and sentenced to the State Prison for five years.

AN ACQUITTAL. Robert Robertson, a respectable-looking man, vas put on trial, charged with stealing \$5 from William Tierney, on Christmas Eve, in the Twentyhird ward. Snortly after the case was commenced District Attorney Russell abandoned it, and ac-cording to the direction of His Honor the jury re-turned a verdict of not gullty.

John Boyle and Henry Williams pleaded guilty to an indictment charging them with stealing, on the 19th of December, boots and guiters valued at \$62, the property of Edward MoNell. Both were sent to the State Prison for three years.

PETIT LARCENIES.

John Johnston, who was charged with stealing eighteen dozen combs on the 15th inst. from Jailus Schween, pleaded guilty to petit larceny. A simscawee, pleaded guity to petit in the six. A sain-ilar plea was accepted from Patrick Rape, who was indicted for stealing a can of oil worth \$35, the property of John M. Christield. Michael Kelly, who, on the 15th of January, stole a bundle of hides wor h \$30, the property of Maliory & Spier, pleaded guilty to the same grade of larceny. These three prisoners were sent to the Peniten-tiary for six months.

ESSEX MARKET POLICE COURT. Before Judge Murray. A QUARRELSOME FAMILY.

Jeremiah Cronin, of No. 640 Water street, and John Cronin, his son, were arraigned before Judge Murray yesterday on a charge of assault and battery, preferred by Officer Michael Gorman, of the Thirteenth precinct. About eight o'clock Thursday John Cronin was driving his truck through water street, near his home. He was then so grossly intoxicated that Officer Gorman thought it necessary to arrest him. As soon as Officer Gorman got on the truck Jeremiah Cronin, the lather of John, ran out from his house and attacked the officer with a pitchiors, and the son also joined in the assault. Both father and son, however, were taken into custody, and Judge Murray yesterday held them in \$1,000 bail each to answer.

THE HOUSTON STREET BURGLARY.

On the night of the 19th of January the boot and shoe store of Davis Marks, No. 451 East Houston street, was burglariously entered and twelve pairs of catters, valued at \$70, were stolen. Off-

our O'Connor, of the Eleventh precine, arrested a young man, named John McCarthy, yesterda with a pair of gaiters on him watch were lead fied by Mr. Marks as part of the stolen property Judge Murray held the prisoner in \$2,000 bail to answer.

COURT OF APPEALS.

ALBANY, Jun. 22, 1975. The following proceedings took place to-day:—No. 34%. The Manufa turers! Natl mil Bank, at Troy, et al., response e.is, vs. Mart E. Cox, administratrix, &c., appeliants; argued by R. A. Parmenter, of counsel tor appeliant, and by Irving Brown. for respondents.

No. 57. The Tradesment's National Bank, of New York, vs. Bernard McFeeley, et al., exceptors, &c., appellants. Passed.

No. 59. John H. Boynton, et al., respondents, vs. John Audrews, appellant. Passed.

No. 60. Joseph Rutherford, appellant, vs. David Alken, respondent. Passed.

No. 61. John L. Brown, appellant, vs. The Mayor, &c., respondents. Passed.

No. 62. Charies R. Gorham, appellants vs. The Trustees of the Village of Cooperstown, respondents. Argued.

No. 63. Lucinda Burrows, respondent, vs. The Etic Railway Company, appellant. Passed. The following proceedings took place to-day:-

No. 63. Lucinda Burrows, respondent, vs. The Eric Railway Company, appellant. Passed. No. 64. Zina W. Alexander, respondent, vs. Austin M. Hord and others, appellants. Passed. No. 65. The Town of Venice, appellants. Vs. Lyman Murdock, respondent (two cases). Passed. No. 68. Auris Louisa Ciark, respondent, vs. The New York Life Insurance and Trust Company and others, appellants. Passed. No. 67. William A. Macy, Jr., and another, appellants, vs. Thomas Neison and others, respondents. Passed.

No. 67. William A. Macy, Jr., and another, appellants, vs. Thomas Nesson and others, respondents. Passed.
No. 70. George M. Tompkins, respondent, vs. Henry M. Lea, appellant.
No. 71. The People, &c., respondents, vs. Eben-ezer Pennock, impleaded, &c., appellant. Passed. No. 75. Lewis Bush. respondent. vs. The Westchester Insurance Company, appellant. Passed. No. 76. Welcome W. Jones and another, appellants, vs. Lucretia F. Walker, respondent. Passed. The Court adjourned to Monday, 25th inst., at ten o'clock A. M.
At a term or the Court of Appeals, held at the Capitol, in the city of Albany, on the 22d day of January, 1875, the following rule was adopted:—Ordered, that Rule No. 21 be amended by adding the following:—"When any cause shall be regularly called for argument, and no other disposition shall be undeflered, the Eale No. 21 be amended by adding the following:—"When any cause shall be regularly called for argument, and no other disposition shall be undeflered, the appeal shall be dismissed, without costs."

And an order shall be entered accordingly, which shall be absolute, unless upon application made and good cause snown. Upon notice to the opposite party whinh ten days &iter the Court is in session, and not on the first motion day of the uext meeting, the Court shall revoke said order and restore said appeal.

Calendar for Monday, January 25.—Nos. 79, 83, 84, 85, 56, 88, 89, 90, 91, 92, 93 and 94.

UNITED STATES SUPREME COURT.

WASHINGTON, Jan. 21, 1875. No. 145. Byrne vs. Burgess-Error to the Cir cuit Court for the Eastern District of Pennsylvania .- This is another case involving the question of the duty of the assessor to estimate the producing capacity of the distillery. In the present case the producing capacity was estimated at 1,663% gallons of whiskey from 475 bushels of corn, or three and a half gallons from each bushel. The or three and a half gallons from each bushel. The amount of spirits returned by the plaintiff in error for the month in suit was 40,759 gallons, a little above eighty per cent of the estimated capacity of the distillery, but the amount of mash to be accounted for, represented at forty-live gallons to each bushel of grain, 13,591½ bushels, and this at the estimated producing capacity of the distillery, of three and a half gallons to each bushel, made 47,571 gallons as the amount actually produced. This was the amount returned, the tax should have been on the amount returned. The judgment asserted that there was no evidence on the trial that the amount taxed was not the amount actually produced. It is also said there was no appeal to the Commissioner, as provided by law. The decision will probably rest on that in a former case decided for the government. C. H. Hill for the government.

No. 148, National Bank of Commerce of Boston vs. Merchauts' National Bank of Memphis—Error

to the Circuit Court for Massachusetts .- This ac tion was brought by the Merchants' National Bank against the plaintiff in error for alleged negli-gence in surrendering three railroad receipts of thirty days and one at sight-which were sent to them for collection by the Metropolitan National Bank of New York, and which railroad receipts of bills of lading the plaintiff in error surrendered to the drawers named in the draits upon their acceptance of them. The draits were discounted by the de endant in error at Memphis before acceptance, and at the time of discount the railroad receipts were attached to the drafts, and delivered to the defendant in error, and were iorwarded to the New York bank for collection. The draits were drawn against certain cotton maned in the receipts, and the plaintiff in error had no information that the drafts had ever been negotiated by the drawers, and had no instructions whether to surrender the receipts upon acceptance or to hold them until the payment of the draits. The plaintiff in error had received through the New York bank money draits on the same parties accompanied by such receipts which they had always surrendered on acceptance except in one instance, when they had special instructions to hold the receipts until the drafts were paid. The trial resulted in a verdict for the plaintiff below, the Court remains to instruct the interface that they were not bound to hold them for payment. This refusal is assigned as error, and it is insisted that in the absence of any instructions the plaintiff in error was warranted in the interence reat the bills were annexed to the surrendered there were annexed to the surrendered thereuson, and that horeiore they are not fable to an action for the surrender. He Bank of New York, and which railroad receipts of draits to specify their acceptance, and were to be surrendered thereupon, and that thoreiors they are not hable to an action for the surrender. H. W. Pame and H. C. Hutchins for plaintin in error; W. G. Rassell for defendant.

No. 145. Smith vs. Nichols-Appeal from the Circuit Court for Massachusetts, -The appellant sought by this action to protect a patent for a fabric composed of elastic or india rubber cords, covered top and bottom by fibrous filling threads, covered top and bottom by fibrous filling threads, interwoven with fibrous warp threads between the rubber cords. The patent is claimed to cover all such fabrics. The case was decided adversely to the patent below, on the ground that the fabric claimed was known to commerce some years before the date of the patent. The patent was obtained in 1849, and it was alleged that tabrics idectical with that covered by it were made in this country and imported from Europe as early as 1846. The case comes here from this decision, and it is contended that certain disclaimers fied subsequent to the patent limit the invention to a labric which was not hitherto known; but the appellee claims that the case is to be determined by the original patent, without reference to the disclaimers. C. Mason for appellant; Gifford a Dean for appellee.

THE CUSTOM HOUSE.

Collector Arthur remained in Washington yes terday, and there were consequently no new de-velopments in the recent smuggling cases. Sur-veyor Sharpe and Assistant Collector Lydecker were in consultation, and it was supposed that upon the Cellector's return the seal of secrecy upon the Collector's return the seal of secrety would be removed from the lips of those officials who hold the names of the firms implicated in the recent frauds. One of the prominent gentlemen connected with the department yesterday told the HeralD representative that he thought all the parties to the late frauds wore known, and a vigorous overnauling of their transactions, past and present, would take place, but that he was under instructions to reveal no names until Collector Arthur should authorize it. It is to be hoped, now that the interests of justice cannot be subserved by secrecy, that the names of dishonest parties to frauds against the revenue will be promptly revealed.

POST OFFICE AFFAIRS.

IMPORTANT NOTICE TO MERCHANTS-A NUISANCE TO BE ABATED AT STATION D. Yesterday was a busy day at the Post Office. tailed double duty on the cierks for distribution of the retarded mails; the Silesia, having left Havre on the 10th, made a good passage for this tempes tuous season. To see the nimble hands assorting the foreign mails would convince one of an extra

the foreign mails would convince one of an extra
Intelligence almost amounting to a sixth sense,
The steamship City of New York (Inman line) in
now the only ship overdue, and the Russia reports
that she passed her three days since, making her
way slowly to this port, so that her arrival may be
looked for at any moment. At this season delay
in the transatiantic mails is a thing of sourse
and occasions no surprise among the Post Office
officials. The following
IMFORTAT ANNOUNCEMENT TO MERCHANTS
is made by authority of the Assistant Postmuster,
Mr. Pearsail, and no doubt the suggestions therein
contained will be gratefully received by all those
having correspondence with the States indiOxted:—

January 22, 1875.

having correspondence with the States indicated:

January 2, 1875.

Under present arrangements there is a considerable advantage in sending mail matter to St. Louis, Mos. by the early afternoon mail closing at the New York Post Office at four P. M., as it is now due at St. Louis at fifteen minutes past oven A. M. on the second day, instead of at fifteen minutes past one P. M., as formerly. This also effects a great gain in time for the greater part of Missouri. Kansas, Texas and Indian Territory. The mail for St. Louis, closing in the New York Post office at siz P. M. and sent via New York Central and Hudson River Railroad or Erie Railroad, is not due at St. Louis until ten minutes past five P. M. of the second day.

Merchauts, therefore, will perceive the advantage of hastening their deposits in the Post Office by a couple of hours and thus secure the material advantage indicated above.

There are some rich developments in store for scandal mongers, and especially for the Society

[CONTINUED ON NINTH PAGE.]